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1878

Iowa Governor, 1877-1878 (John S. Harrison)
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SPECIAL MESSAGE

OF THE

GOVERNOR OF IOWA

TO THE

SEVENTEENTH GENERAL ASSEMBLY,

COMMUNICATING REPORT OF

PARDONS AND REMISSIONS.

25.4

JANUARY 13, 1878.



DES MOINES :

R. P. CLARKSON, STATE PRINTER.

1878.

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REPORT OF PARDONS, COMMUTATIONS, AND REMISSIONS.

REPORT OF PARDONS.

BY GOVERNOR SAMUEL J. KIRKWOOD.

JOHN MAXWELL. January 25, 1876. Found guilty, March term, 1875, in the district court of Polk county, of house-breaking, with intent to steal. Sentenced to the penitentiary for one year. Committed June 17, 1875. This pardon is petitioned for by the entire police force of Des Moines, who express doubts whether he was guilty of any criminal intent in entering the house. I have carefully examined the abstract of the testimony in the case, and have taken the opinion of two eminent attorneys, who agree with me that it is at least very doubtful whether the man was guilty of any crime other than intoxication. I have pardoned him upon condition that he abstain from the use of intoxicating liquors, and live a quiet, orderly, industrious life. Failure in compliance on his part will warrant the governor, upon proof satisfactory to himself thereof, summarily to revoke the pardon and remand Maxwell to prison for the remainder of his term of sentence.

T. J. THOMPSON. February 5, 1877. Sentenced on his plea of guilty to a charge of assault with intent to kill in Cedar county, and committed to the Penitentiary of the State December 9, 1873, for the term of four years. Pardoned on recommendation of Senator Carr and Major Wm. G. Thompson, who was district-attorney at the time of conviction. The prisoner lost his arm from a wound received at the time of the commission of his offense. He had been imprisoned in the county jail and penitentiary about thirty-two months; he was young (only about 19 years of age) when he committed the crime; his conduct in prison had been exemplary. I thought he had suffered sufficient punishment and that his release would be likely to tend to his reformation.

CORNELIUS O BRIEN. February 5. Sentenced from Scott county

on a charge of manslaughter, for three years. Committed to the Additional Penitentiary May, 1874. Pardoned upon petition of Senator Murphy, the county officials of Scott county, and the city officials of Davenport, and letter of District-Judge Brannan, who tried the case, and of District-Attorney Ellis, who prosecuted. There was some doubt of the sanity of the prisoner at the time the crime was committed. On the whole, I thought the safety of the public sufficiently protected by the punishment already inflicted, and the prospect of the reformation of the prisoner would be increased by his release.

GEORGE MAYWEATHER. February 11. Crime, assault with intent to commit great bodily injury. Sentenced June, 1875, to six months in the county jail of Johnson county. Pardoned on petition signed by all the county officers, the district judge, the prosecuting witness, and a large number of good citizens; also that he may be used as a witness against a person now in prison on a charge of robbery.

MARTIN L. BERNHARDT. March 4. Committed to the Penitentiary of the State, October 15, 1871, under a sentence of the district court of Webster county, for a term of four years, for false pretenses, to be followed by one of six years for uttering a false and forged token. Having earned full diminution, his first term expired April 15, 1875. It was perfectly clear to me that the two convictions were for precisely the same acts under different names and different indictments, and that the proof of crime in each case was identical. To permit him to serve out his second sentence would be, therefore, to punish him twice for the same offense.

JAMES E. RHODES. March 10. Committed to the Additional Penitentiary June 2, 1874, for the term of three years, for breaking and entering, in Clinton county. Pardoned in consideration of the fact that this was his first offense, of his youth, and of his previous good character. His pardon was recommended by Senator Merrell, by District-Attorney Ellis, and by a number of the best citizens of De Witt.

THOMAS E. DAVIS. March 14. Committed February 4, 1874, to the Penitentiary of the State for five years, for manslaughter, in Pottawatamie county. The prisoner had a wife and four children, from eight to two years of age, dependent upon him. He had been a soldier in the First Cavalry. His offense was committed under great provocation, and probably in self-defense. He had previously borne a good character, and had behaved well in prison. His pardon was recommended by five of the jurors by whom he was found guilty, by Judge Baldwin, I. P. C. Wagner, Senator George F. Wright, Judge Reed, and other prominent

citizens. I believing that the ends of justice had been served, he was pardoned.

ALEXANDER KIDD. April 11. Committed to the Penitentiary of the State from Warren county, for larceny, September 4, 1874. Term, three years. Kidd's health had become quite poor, and it seemed necessary to release him in order to save his life, and it was by no means certain this would prevent death by consumption. On this ground the judge trying him recommended pardon; the district-attorney for the same reason, and also because the offense was one of ordinary larceny, the property taken being worth little more than \$20, and there were no aggravating circumstances. The sheriff and his deputy, the auditor, the present clerk of the district court and his predecessor, during whose term Kidd was tried, some of the jurors, the city marshal, and eleven others, joined in petition for pardon.

MICHAEL TIERNEY. May 10. Committed to the Penitentiary of the State October 18, 1873, from Des Moines county, for five years, for larceny at fire. Pardon solicited upon the grounds of sufficiency of punishment, of good character prior to his offense, and of a dependent family for whose sake his release was asked "as soon" as all good that "could be derived" from his imprisonment has been "accomplished." Eighty-seven citizens of Wisconsin, including seven county officers of the county of St. Croix, petitioned for his pardon; and their petition was indorsed by the judge, district-attorney, clerk, and one of the jurors at the time of the trial, the present judge of the first judicial district, the speaker of the house of representatives, the sheriff of the county, the mayor of Burlington, E. D. Rand, Hon. John C. Powers, Hon. A. G. Adams, Hon. Lyman Cook, Gen. Jas. I. Gilbert, and eleven other citizens of Burlington. Believing that the ends of justice have been fully accomplished, I issue pardon.

ARDEN CAMPBELL. May 24. Committed October 22, 1874, from Cerro Gordo county, for two years for larceny. Recommended by district-judge district-attorney, and eighty-five citizens of Cerro Gordo county, including county officers and the person from whom the money was stolen.

THOMAS WOODSON. May 24, 1876. Committed to the Penitentiary of the State, October 17, 1874, for four year for manslaughter in Fremont county. The circumstances connected with the killing, and the length of time he has suffered confinement, render it, in my opinion, a pardonable case. The morning of the killing he went to protect his uncle and not to kill Barlow, and the killing was not done by lying

in wait, but in a contest in which Woolson was the quicker and more fortunate.

ARCHIE SHEARER. June 13, 1876. Committed to the Additional Penitentiary, January 22, 1875, for three years, for grand larceny in Johnson county. The reasons for his pardon are: 1st, youth; 2d, in my opinion he has been sufficiently punished; 3d, his conduct has been exemplary; 4th, his mother is a widow with a large family and needs his help; and, 5th, his pardon is strongly recommended by the warden and the teacher at the penitentiary.

DAVID LAUB. July 3. Committed June 19, 1875, for six years, for rape in Boone county. The immediate reason for this pardon was a statement by the surgeon of the prison that it was necessary in order to save Laub's life. There were also affidavits, by two others who were convicted with him, to his entire innocence.

PHILENA MORRISETTE. July 4. Committed to the Penitentiary of the State October 25, 1872, for five years, for assault with intent to kill, in the county of Winneshiek. Her husband, who had been sentenced at the same time for the same offense to three years in the Penitentiary, had served out his sentence, and had been discharged. The prisoner's mind had become affected, and there was danger of permanent loss of her reason. Her sentence would have expired in February, 1877, with full diminution. There were five young children needing her care. Hon. Chas. T. Granger, now circuit-judge of the judicial district, was district-attorney at the time of the conviction, and prosecuted the prisoner. He recommended pardon. The present district-attorney approved her pardon. The petition for her pardon is signed by a large number of citizens in the neighborhood. In this case, and that of Mary Stickley, I had some doubts of the correctness of my action. It may be that my sympathy for these poor women and their families, and my desire to make some hearts glad on Centennial day, got the better of my judgment.

MARY STICKLEY. July 4. Committed to the penitentiary October 23, 1875, for instigating an assault with intent to kill, in the county of Black Hawk, for the term of nine years. This case was very difficult. Petitions were presented urging the pardon signed by some three or four hundred persons (both men and women) residing in the neighborhood, many of them declaring their conviction of the prisoner's entire innocence of the crime of which she was convicted, and stating the urgent necessity of her pardon that she might care for her young children, whose father is dead. A remonstrance was presented from the dis-

strict judge and district-attorney and some county officers. Upon as careful examination of the matter as I could give it, I concluded the public interest would be better served by her pardon than by further punishment.

WILLIAM HUDSON. July 21. Committed to the Penitentiary September 19, 1874, for the crime of breaking and entering, in Lee county, for the term of three years. He was pardoned to save his life, as the warden and physician certified to his failing health and probable speedy dissolution unless immediately released, and it was doubtful if that would save him.

CHARLES MILLER. August 9. Sentenced to the county jail of Decatur county, for eight months, for two offenses of larceny. His health was very much impaired from confinement during the month of August in the poorly ventilated rooms of the jail. As he had only two months yet to remain in prison, it was believed he was sufficiently punished. The pardon was asked for by the sheriff, recorder, and auditor of the county, and Messrs. W. H. Robb, S. Penniwell, E. H. Curry, and one hundred and fifty-four "other citizens of Decatur county," at about the time his imprisonment began. When released, it was upon the recommendation and at the instance of the district-attorney, backed by a statement from Drs. Finley, McClelland, and Hildreth, of Leon, in regard to Miller's physical condition.

HENRY SAINT CLAIR. August 19. Committed to the Penitentiary September 20, 1875, for two offenses of burglary in Mills county, and sentenced one year for each offense. The pardon is recommended in view of the small amount taken, the peculiar circumstances of the crime, his youth, the time he has been confined both in jail and penitentiary, and his good behavior during his confinement in prison; and upon the favorable report of his character and conduct, before he committed the offense, by his former employers, and upon the representations made by persons living in the neighborhood where the crime was committed, including the district-attorney by whom he was prosecuted, the district-judge before whom he was tried, and several of the jurors by whom he was found guilty.

FRANKLIN LINEHART. September 8. Committed to the Penitentiary, May 13, 1867, under a sentence of the district court of the county of Clayton, for the crime of murder in the second degree. Sentence, imprisonment for life. He had served nine years, and his conduct during that time was unexceptionable. There was some doubt of his guilt, and his earlier life, I was led to believe, had been an orderly

one. He had served in the army of the Union, and seems there to have acquired habits of intoxication, which had got him into the difficulty that brought about his imprisonment. Pardon recommended by L. Bullis, J. Matthews, J. P., Judge Burt, and others, and by the prison officers.

JOHN MARTINSON. September 19. Committed to the Additional Penitentiary December 16, 1873, by the district court of Allamakee county, for the crime of manslaughter, for a term of five years. Martinson was endeavoring to preserve order at a masked ball, and prevent those entering who, though not entitled to, were trying to force their way into the hall. The crime was committed under the heat of passion, and he is now truly and sincerely penitent. Pardon recommended by nine of the jurors who tried the case, the other three being dead ; by the ex clerk and present clerk, auditor, and sheriff of the county, and by the district-attorney, the circuit judge, and other citizens.

JAMES A. BRYAN. October 13. Committed to the Additional Penitentiary July 15, 1874, for three years for the crime of embezzlement of public money, in Jackson county. This is a contested case, petitions and remonstrances both being presented. The petitioners are much the more numerous. Of the jury that convicted Bryan, ten petition for his pardon. Hon. Lyman A. Ellis, district-attorney by whom he was prosecuted, recommends it, as does Hon. G. W. Trumbull by letter. A letter from the warden shows that, counting the days Bryan has been imprisoned by the number of days' labor performed at ten hours per day, he had at the date of his pardon performed labor to the amount of eighteen days in excess of his sentence, less the commutation thereof contemplated by law. This pardon does not affect a fine imposed on him as a part of the sentence for his offense.

D. C. FOSTER. October 25. Convicted March 9, 1873, by district court, and sentenced to fine of one dollar, and costs of suit taxed at \$209.25, and imprisonment in the Mahaska county jail at hard labor for six months, for the crime of obtaining money under false pretenses. This pardon is granted upon condition that if Foster shall, at any time during the period for which he was sentenced to imprisonment, be charged with a violation of the criminal law of the State in any particular, and the governor of the State shall be satisfied that said charge is true, then and in that case said Foster shall be liable to arrest upon the certificate and warrant of the governor, to confinement in the county jail of Mahaska for the full term of his sentence, and to the payment of the fine and costs imposed against him, in the same manner as if this pardon had not been granted.

CHARLES ROLLAND. November 7. Committed to the reform school November 25, 1874. Offense, disturbing public peace, in Scott county. This boy's father is solicitous for his discharge. His offense has certainly been sufficiently expiated, and it seems to me that the influences of home might be more beneficial than those of the Reform School.

HENRY P. MORPHY. November 13. Committed to the Penitentiary from Louisa county April 17, 1871, for twenty years, for the crime of murder in the second degree. Judge Tracy, who sentenced Morphy, says that while he was clearly guilty of the offense for which he was convicted, he (T.) is of the opinion that Morphy has been sufficiently punished, and therefore prays that pardon be granted. Judge Newman, now district-judge, finds that the prevailing feeling is that the man was too severely dealt with, and he should be pardoned. He is satisfied that Morphy has been sufficiently punished and the law vindicated, and unites in recommending pardon. Mr. D. N. Sprague, now district-attorney, says the murder always seemed to him an accident, and he has never been satisfied that Watt (the victim) would not have recovered under careful treatment. Hon. Albert Ellis, former representative, now sheriff of Louisa county, does not hesitate to say Morphy ought to be released ; knows he could obtain the names of all the leading citizens of the county for his pardon. Three of the trial-jurors say that the facts, while establishing that Watts died from the wound given him by Murphy, yet show that if he had had careful medical treatment he might have recovered; and they favor pardon. C. W. Cilley, grand juror, believes Morphy has already been sufficiently punished, and asks, "as an act of common humanity," that he be pardoned. Morphy says that he has three children in Fulton County, Illinois, with no one to provide for their support, and knows that were he to be released his future would justify the clemency now prayed for. Pardoned on condition that, should he during the term of his sentence become intoxicated, he may be rearrested and pardon revoked.

CHARLES SQUIRES. November 13. Committed to the Penitentiary February 25, 1876, from Lee county, for larceny, for three years. His conduct was good while in prison. It was represented to me, by Hon. Barbour Lewis, and Messrs. Bernard McMahon and T. McGeoy, of Memphis, Tennessee, as well as by a former mayor of that city, where Squires appears to have once resided, that he was there regarded as entirely honest and upright, and that he had commended himself to general favor in that city by an exhibition of personal bravery in a case

of great emergency. Pardoned on condition of his leaving the State and remaining permanently out of it. Should he return he may be re-arrested by order of the governor or other authority.

ROBERT W. POOL. November 13. Sentenced by the district court of Scott county, on the 18th day of May, 1876, for the term of one year in the Penitentiary, which sentence was commuted (June 13) to imprisonment for the same time in the county jail. Crime, embezzlement. It was represented that his offense was committed while Pool was under the influence of liquor; that he had never before been accused of crime; that he had a wife and four children; that he served three years in the army during the war, losing a leg in the service; that he had conducted himself in an exemplary manner in jail and in aiding the sheriff; and that he had an offer of permanent employment if discharged. Pardon was recommended by district-judge, district-attorney, sheriff, clerk, recorder, and auditor of county, Hon. John W. Green, Hon. J. C. Bills, and W. A. Lynch.

FREDERICK and JULIUS ZIEBART. November 21. Frederick was committed to the Penitentiary of the State March 3, 1873, from Floyd county, for the term of eighteen years, for the crime of murder. Age when committed eighteen years. His conduct good in Penitentiary. Julius was committed January 14, 1874, from same county, crime manslaughter; term four years; when committed twenty-two years; conduct in prison good.

They were Germans and could talk little English. They were set upon by boys in the street and pursued several blocks. The marshal, who was the person killed, rushed into the mob and appeared to the accused to be one of the crowd. The petition for pardon was signed by three hundred and twenty-six citizens of Charles City including the mayor, and by the judges, the grand and petit jurors, and four county supervisors.

THOMAS McCABE. November 21. Sentenced to the Penitentiary on the 10th day of October, 1870, from the county of Keokuk, for the term of twelve years, and to pay costs of suit, taxed at \$259.60. Crime, murder in the second degree. There had been an old family feud between the families, and in a fight the crime was committed. In his favor it was stated that he was sixty-one years old; that his conduct had always been exemplary, and this was the first charge ever brought against him; that he had shown himself while imprisoned of a mild and tractable disposition; and that two important witnesses in his behalf had been "run off" to prevent their giving testimony in his

vor and that he then plead guilty to murder in the second degree. Judge Sampson, (before whom McCabe had been tried,) the circuit judge, the deputy warden, Hon. Wm. H. Seevers, of Mahaska county, and the sheriff and two hundred and ninety-eight other citizens of Keokuk county, recommended the pardon.

GLEN ABRAMS. Nov. 27. Sentenced November 22, 1876, to ten days in Johnson county jail for disorderly conduct. Pardoned at request of Henry Vanderlip, C. T. Estabrook, William Sherlock, and sixty-one other citizens of Oxford, Johnson county, on condition of paying costs.

JACOB C. SNYDER. December 6. Sentenced to the Penitentiary by Cass county district-court, on the 9th day of September, 1876, for the term of six months. Crime, burglary. Committed September 13. This pardon is granted on condition that if Snyder shall be found intoxicated within one year, pardon shall be null and void, and he may be remanded to the penitentiary by order of the governor to serve out the balance of his sentence. The pardon is recommended by the district-attorney who prosecuted him: "the ends of justice" having been "subserved." Petition for pardon was signed by seven of the jurors who convicted him, the deputy clerk, the county treasurer, the sheriff and deputy, the city marshal and fifty-one other persons.

JOSEPH WILLIAMS. December 6. Clarke county. Convicted of larceny at November term, 1876, and sentenced for a term of three months in the Penitentiary. He is crippled and deformed. His moral character and reputation for honesty heretofore have been good, but his mind partakes of the imbecility of his body, making him scarcely accountable for his actions. Pardon asked for by John Chaney, M. L. Temple, S. P. Ayres, Stuart Bros., the county auditor, the county recorder, nine of the trial jury, and one hundred and sixty-two other citizens of the county, the district-attorney, and the treasurer of state.

RICHARD M. JEFFRIES. December 22. Committed to the Additional Penitentiary May 1, 1876, from Cedar county, for the crime of forging an order of twenty-five dollars. Term, one and a half years. All the testimony in the case was the evidence taken before the grand jury. By the advice of his counsel he plead guilty, although holding out in conversation to the last that he was innocent, but was not able to prove the same, and by advice threw himself on the mercy of the court. He always bore a good character previous to this alleged crime, and his conduct during his confinement has been unexceptionable. Pardon recommended by the district-judge and district-attorney, ex-sheriff

Shearer, and twenty-six citizens. Warden Martin says his health is bad.

EDWARD WELLS. December 22. Sentenced to the Penitentiary from Page county October 7, 1873, for eleven years, for assault with intent to commit rape. Pardon recommended by Judge Forrey who presided at his trial, by district-attorney Laughlin, who prosecuted him, and by the county recorder, sheriff, auditor, and treasurer, Messrs. T. E. Clark, Geo. H. Powers, John R. Morledge, W. W. Morsman, Wm. McLean, N. B. Moore, Raymond Loran, Dr. P. W. Lewellen, the post-master at Clarinda, and fourteen other residents of the county in which the crime was committed.

THOMAS N. PORTER. December 22. Sentenced to the Penitentiary September 2, 1872, from Madison county for eight years and fined one hundred dollars. Crime, manslaughter. Porter was twice tried and convicted, the first judgment against him having been set aside and new trial ordered. The time he has been imprisoned on both convictions makes nearly or quite the maximum punishment allowed by law for the crime of which he was finally convicted, and more than such maximum less the diminution good conduct earns. He has moreover been considered to be of unsound mind.

JASPER BANNICK. December 22. Committed to the Penitentiary March 30, 1869, for a term of ten years. Crime, murder. Conduct during his confinement, very good. The pardon is strongly urged by the district-attorney who prosecuted the case. He says that Bannick, in a fit of uncontrollable rage, stabbed his brother with a large knife just under the armpit, severing an artery, death following in a few minutes. He (the district-attorney) doubts whether Bannick should not have gone to the hospital for the insane. The senator from Iowa county also recommend the pardon. Bannick has two daughters who need his help. I am entirely satisfied the case is a meritorious one.

JAMES CARR and THOMAS BROWN. December 22. Sentenced to the Additional Penitentiary at the November term, 1875, of the district court of Linn county, for two years, for robbery. The judge by whom they were sentenced recommends pardon on the ground that the sentence was too severe. Pardon is also recommended by the district-judge and district-attorney who tried the prisoners, and Hon. Isaac M. Preston. They were committed to the penitentiary Nov. 5, 1875.

RICHARD D. ARTHUR. January 4, 1877. Committed to the Penitentiary, December 2, 1872, from Fayette county, for the term of ten

years, for larceny. His pardon is asked by over one hundred citizens of the county, some of whom are personally known to me. His mother is old and poor, and is charged with the care of an invalid daughter, the prisoner's sister. Notice was given by the publication of the application for pardon, and no remonstrance has come from any quarter. The prisoner is more than usually intelligent and capable. If he has reformed, as is hoped, the public welfare is better served by having him free. If he has not reformed, he can be returned to prison and compelled to serve out his time. His pardon is strictly conditioned on his good behavior.

CHARLES UDELL. January 5. Committed to the Penitentiary December 5, 1868, from Jasper county, for the term of ten years, for burglary—robbing the county safe. His conduct has been good while in prison. This pardon is granted on condition that, within ten days from the date of his release, he shall depart from the State and remain permanently without the same, on pain, should he return thereto, of being rearrested summarily, and confined in the Penitentiary for the remainder of the term of his sentence.

WM. R. REYNOLDS. January 6. Convicted March 11, 1876, in Delaware county, on his own plea of guilty. Crime, larceny. Sentenced for the term of one year and nine months, to Additional Penitentiary. His conduct has been unexceptionable while in the penitentiary. The theft was committed to obtain money to save his team which was under mortgage, and which team was his only means of support. Was in jail and penitentiary in all about eleven months. Pardon recommended by A. S. Blair, George H. Hartson, David Rogers, (prosecuting witness,) and fifty-seven other citizens of Delaware county, as well as very heartily by the warden. Pardon conditioned upon good behavior.

MARTIN MCNAMARA. January 13. He was convicted on the 1st day of June, 1875, in Fayette county. Sentenced for ten years, for rape, and committed to the Penitentiary of the State June 8. Pardon recommended by Judge Noble, trial judge, District-Attorney Clark, Senator Stoneman, Henderson, the prosecuting witness, five of the jurors, all the county officers, nearly all the bar, and many of the most prominent citizens of the county.

EUGENE and MAX WAHRER. January 30. Sentenced to the Penitentiary February 4, 1873, for the term of eight years, for the crime of manslaughter. They were confined in jail about seven months before trial, and have been in the penitentiary about four years. When sentenced, Eugene was about fifteen years old, and Max about eleven.

They were convicted of killing their mother. The family lived together very unhappily. The father and mother quarreled frequently and violently, the boys siding mostly with the father. The mother had abandoned her home, and been absent several months. She returned there on the day before the crime was committed, while the father was absent, and during that night or next morning was killed in a quarrel, as the verdict of manslaughter shows. The crime of killing a mother is so abhorrent to all our better natures that at first I could scarcely consent to consider the case; but such consideration has resulted in the pardon of the criminals. The controlling reasons for the pardon are: first, the degree of punishment already suffered; second, the finding of the jury (manslaughter) showing the killing to have been without malice or premeditation; and, third, the extreme youth of the prisoners at the time the crime was committed. I think enough has been done, in the way of the punishment of the offenders and of example to others, and that the most important consideration, now, is the future of the prisoners. If it is desirable they should have a chance to become good men and useful citizens, it seems to me they should not not be kept where they are. The health of one is said to be suffering, and the mind of the other threatened. For these reasons they are pardoned. The pardon is strongly recommended by Judge Tracy, who tried the case, by some of the jurors, by Judge Beck, of the supreme court, by Hon. Ed. Johnstone, Hon. W. C. Hobbs, Hon. John H. Gear, Hon. Lyman Cook, Theodore Guelich, Hon. Daniel F. Miller, Hon. H. W. Rothert, Frank Hatton, Rev. C. P. Reynolds, and many others of the most prominent citizens of Lee and Des Moines counties.

ELIAS JAMES. January 31. Sentenced at the fall term of the district-court of Warren county, in 1875, to the Penitentiary, for the term of one year and six months, for assault with attempt to murder, and committed thereto January 18, 1876. The petition is signed by Judge Leonard, who tried, and District-Attorney Smith, who prosecuted, the case; also by the sheriff, clerk, and all or nearly all the bar of the county where the crime was committed.

BY GOV. JOSHUA G. NEWBOLD.

ISAAC LYTLE. February 2. Crime, obtaining money under false pretenses. Convicted at the October term, 1876, of the district court of Scott county. Sentence, Additional Penitentiary for fifteen months. Committed October 16, 1876. Pardoned, on the recommendation of the judge, district-attorney, clerk of the court, sheriff of the county, about one-third of the jurors in the case, and many of the citizens of Davenport. The district-attorney says : " I believe his conviction was wrong." The prosecuting witness says : " I believe that justice in Lytle's case is now " amply satisfied." It also appeared that he had previously borne a good reputation, which was testified to by many prominent citizens of Bellefonte, Pennsylvania, and if guilty that it was his first offense.

ALVA HILL. February 26. Crime, larceny. Sentence, penitentiary for the term of fifteen months. Convicted at the January term, 1876, of the Cass county district court, and committed February 1, 1876. Pardoned nine days before the expiration of his term, on the recommendation of the warden and physician of the Penitentiary. Says the latter, " Alva Hill was consumptive when brought here. He now lies " very sick with typhoid fever and erysipelas, with little hope for recovery. The small chance for his recovery dwindles down to none " at all, if he has to remain here. If removed there is a little hope!" The warden says, " his behavior while here has been good. We hope " a pardon will be granted."

The physician's fears proved to be well founded. Hill died two days after reaching home.

JOHN RAYMOND. March 24. Committed to the Penitentiary of the State October 2, 1876. Sentenced at the September term, 1876, of the district court of Mills county, for the crime of larceny. Term, one year. The district-judge who tried the case, the warden, and the chaplain of the penitentiary recommend pardon. The warden says, " He " has served out about one-half of his time, has been a good and obedient boy, always faithful and industrious;" and the chaplain concurs by saying, " If pardoned, and allowed to go home with his father to " Massachusetts, I have no doubt of his reformation, and that he will " make a good citizen." I am satisfied, from the statements of the young man's father, that he had, prior to this offense, been a boy of good character.

JOHN McLAUGHLIN. April 2. Sentenced at the January term, 1877, of the district court of Johnson county, for the term of three years, in the Additional Penitentiary, for rape. The sentence was commuted by Governor Kirkwood January 30, 1877, to six months' imprisonment in the county jail of Johnson county. Pardoned on recommendation of Senator Kirkwood, Hon. John P. Irish, Hon. Rush Clark, Dr. Pryce, and many other citizens of Iowa City. They represent that he was suffering with rheumatism, induced by being confined within the damp walls of the jail. Dr. Pryce says, "I consider him in a very critical condition, and his life endangered unless removed to better and dryer quarters." The pardon is granted to save life or prevent permanent disability.

THOMAS M. HUNT. April 25. Crime, larceny. Convicted at the March term, 1875, of the district court of Buchanan county, and sentenced October 1, 1875, to imprisonment in the Additional Penitentiary, for one year and six months. Pardoned on recommendation of Judges Adams, Rothrock, and SeEVERS; also, on a petition signed by nine members of the Buchanan county bar, and one numerously signed by the citizens of said county. The petition for pardon was mainly based on affidavits of newly discovered evidence, which, if genuine, were sufficient, in the opinion of some of the judges of the supreme court, to acquit Hunt could they be used. I have become satisfied of the genuineness of the affidavits, and have concluded therefore to grant the pardon, especially as I do not think the case originally a strong one.

JOHN ALLEN. May 30. Crime, burglary. Convicted at the February term, 1872, of the Lee county district court. Sentence, Penitentiary for the term of five years. Committed February, 1872. Allen is entitled to diminution from his sentence for good behavior. His term will expire June 24. Pardoned upon recommendation of the warden and chaplain of the Penitentiary. They say, "He is one of our best prisoners, was unfortunate, had his thigh badly shattered by the bursting of a grindstone, which has permanently crippled him. He has cheerfully obeyed all the rules of the prison. We certainly think he ought to be pardoned a month at least before the expiration of his time." I think his punishment has been sufficient, and that the ends of justice, under all the circumstances, have been fully satisfied.

QUINCY D. WHITMAN. July 3. Crime, manslaughter; of which he was convicted at the June term, 1875, of the district court of Union county. Sentence, confinement at hard labor in the penitentiary of the

state, for a term of seven years. Committed June 18, 1875. Pardoned on the recommendation of the judge and district-attorney who tried the case, and about three hundred citizens of Union county. The petitions for pardon were based principally on the ground of previous good character, and subsequently discovered testimony mitigating his criminality. Says the district attorney: "Considering the time he has been in prison, his age, and the indorsement of his neighbors of his standing, and the good name he has borne as a citizen and a soldier during the war, I heartily indorse the application for his pardon." The warden of the penitentiary says, "Whitman's character and conduct here have been the very best. He goes about his work much more as if he were a free man than a convict; he works outside the prison-walls, and alone. I have no fears of an attempt to escape. He needs no watching." Considering his well-known peaceable character, his subsequent good conduct, the circumstances under which the crime was committed, and the punishment already suffered, I think the ends of justice have been fully attained.

JAMES CRAWFORD. July 19. Crime, larceny. Sentence, penitentiary for eight years. Convicted at the November term, 1874, of the district court of Clinton county. Committed November 18, 1874. On account of insanity he was transferred March 28, 1877, from the penitentiary of the state to the hospital for the insane at Mount Pleasant. Pardoned on petition of the Hon. Henry W. Rothert, president *pro tem.* of the Senate, and of the brother of the said James Crawford. Pardon granted upon the express condition that the said James Crawford be taken by his friends from the state immediately upon his release, and that he remain beyond its limits, until the expiration of the term of his sentence. [At the time of his release, he was taken in charge by his brother and removed at once to his friends in Cincinnati, Ohio.]

FRANKLIN P. TOWLE. July 30. Crime, larceny; sentence Penitentiary for six months. Convicted at the September term, 1876, of the Muscatine county District court. At the same term of said court, he was convicted of the crime uttering and publishing as true a certain false and fraudulent note for which he was sentenced to the Penitentiary for the term of one year, which term he has served out in full. Pardoned for the second term of six months, on recommendation of the district-judge, the district-attorney, the sheriff, the clerk of the district court, and the county recorder. The county auditor and the clerk of district court say, that they "were acquainted with said Towle, when

“ he was a citizen of Muscatine, and previous to the commission of this
“ offense ; that his standing was good and he had the respect of all
“ who knew him. He was gentlemanly in all his deportment to those
“ with whom he had business.” The warden says, “His conduct
“ in the prison has been excellent. He has cheerfully conformed to all
“ the rules and regulations of the prison.”

JOHN W. CLARK. September 19. Crime, larceny; sentence, Penitentiary for three years. Convicted at the November term, 1875, of the district court of Marshall county. Committed to the Penitentiary of the State December 4, 1875. Those requesting his pardon represent that he is very sick and has been so since his imprisonment began. The penitentiary physician says, “Clark has consumption ; that he is
“ growing weaker every day; and that if he remains in the penitentiary
“ his case will terminate fatally; but that there is a great chance for
“ prolongation of his life outside of the prison.” The pardon is conditional: Said Clark is in no case (during the term for which he was sentenced) to become a county charge, and the stipulations of a bond entered into by Joseph and Edward Clark, binding themselves in the penal sum of two hundred and fifty dollars, of date September 14, 1877, to hold the State of Iowa and the county of Mahaska harmless from all costs and expenses in keeping and caring for said Clark so long as he shall need aid, shall be fully complied with.

JOHN MAHANY. October 2. Crime, manslaughter. Sentence, imprisonment in the Additional Penitentiary for six years. Convicted at the September term, 1875, of the district court of Tama county. Committed October 2, 1875. Pardoned on recommendation of the judge and district-attorney who tried the case; also, on a petition signed by one hundred and twenty citizens of Tama county, which includes the names of the county officers and a majority of the attorneys of Tama county. The charge was for shooting and killing one Gus Young. The petitioners say, “ We have always been and still are convinced that
“ said Mahany did not intend to shoot Young, or any one else, but was
“ careless in handling the pistol and accidentally killed Young.” Considering the doubt as to intentional criminality, and that he had previously borne a fair reputation, and that during his imprisonment his conduct has been excellent, pardon is granted, on condition that he abstain from the use of intoxicating liquors, in which he formerly indulged.

T. S. EGGLESHT. October 16. Crime, forgery. Sentence penitentiary for the term of five years. Convicted at the October term, 1874, of the Scott county district-court. Pardon was solicited upon the grounds of sufficiency of punishment, of good conduct while in prison, and that he had an aged father and mother, and a sister, dependent upon him for support. His pardon was recommended by the trial judge, the district-attorney who prosecuted, Hon. S. H. Craig, warden of the penitentiary, Harvey Leonard, sheriff of Scott county, Hon. J. H. Murphy, state senator, Hon. John W. Green, E. S. Carl, Cashier Citizens' National Bank of Davenport, Messrs. Dow, Gilman & Hancock, and Messrs. Koehler & Lange, whose names were forged by Egglesht, J. J. Richardson, of the *Daily Democrat*, Edward Russell, and Geo. H. Ballou, editors of the *Gazette*, with about sixty of the leading professional and business men of Davenport. Hon. J. M. Beck, judge of the supreme court, says: "The application, on account of the character of the petitioners, in my judgment is entitled to proper consideration." E. S. Carl says: "I caused the arrest of T. S. Egglesht, in February, 1874, being at that time the teller of the First National Bank of this city. I know, of my own knowledge, that there was no loss sustained by any one on account of the forgeries, the amount being recovered back in the only instance in which money was paid." Hon. J. H. Murphy says: "I most cheerfully recommend pardon, as I feel that the law has been vindicated, and he has received punishment enough." Sheriff Leonard says: "I am acquainted with Egglesht's parents and sister, and believe them to be honorable people. I am informed that they are in need of the assistance which he can give them. Considering that his forgery did not occasion loss to any one, and further considering his age, which is stated to me to be but 27 years at the present time, and that he has been confined for more than three years, it would be a pleasure to me to know of his being restored to his family, and given an opportunity of reclaiming a character, blighted by evil associates in his youth." Messrs. Dow, Gilman & Hancock, and Messrs. Koehler & Lange, say: "We, the business men of the city of Davenport, whose names were forged by T. S. Egglesht, in February, 1874, having learned of the uniform good conduct of said Egglesht during his incarceration in prison, and that aged parents, as represented to us, are dependent upon him for support in their declining years, and as we lost nothing financially by the forgeries, and hoping the punishment already received by him will be sufficient to induce him to live right in the future, we recommend pardon." The petitioners say: "We con-

“cur in the recommendation contained in the letters written by our fellow-citizens, E. S. Carl, Esq., Messrs. Dow, Gilman & Hancock, and Koehler & Lange, sheriff Leonard and others, in relation to the pardon of said Egglesht.” Pardon is granted in this case for the reasons set forth by the petitioners.

JOSEPH CONDON. November 3. Crime, assault with intent to commit murder. Sentence, penitentiary for the term of three years. Convicted July 12, 1876, in the district-court of Boone county. Committed to the penitentiary, August 2, 1876. A petition, signed by about one hundred and fifty citizens of Boone county, solicited pardon on the ground of sufficient punishment. The trial judge concurred with the petitioners. Pardon in this case was granted solely to save Condon’s life, or prevent him from becoming an invalid. The penitentiary physician says, “October 14, 1877: I think it my duty to inform you, that the disease of Joseph Condon has lately so much and rapidly increased, that if not removed from here soon he will become permanently a miserable invalid, and in all probability will soon die.”

JAMES ADMIRE. November 28. Crime, larceny. Committed to the penitentiary of the state on the 15th day of April, 1874, by reason of a judgment of the district-court of the county of Polk, dated the 13th day of April, 1874, for the term of eight years. The trial judge says, “I had some doubt as to Admire’s guilt.” Gen. Given says, “As district-attorney, I prosecuted the case. Admire was a stranger, was in very bad company, and was tried when the city was rife with crime. These facts had more to do with his conviction and sentence than any confidence in the evidence of guilt. I will add, that after a careful review of the testimony, I am led to believe, not only that he was not proven guilty, but, in fact, was not guilty, and therefore I hope he may be released.” My predecessor, who had given this case considerable attention, expressed doubts as to his guilt. After a careful examination of the testimony, I am satisfied that Admire was not guilty of the crime charged.

JOHN DUBOIS. December 19. Sentenced at the August term of the Delaware district-court to imprisonment in the county jail for five months, and to pay a fine of \$25, for cheating by false pretenses. Petition for pardon was signed by five county officers, Hon. J. M. Brayton, Col. J. H. Peters, attorney for prosecution, the mayor, recorder, and postmaster of Manchester, Col. S. G. Van Anda, Hon. Albert Boomer, and thirty other residents of Delaware county. The prisoner’s previous good character, his family’s needs, the condition of

his business, and the belief that, situated as he was, he had been punished sufficiently, combined with the district-judge and district-attorney's recommendation, induced me to order his release.

GEORGE BOWMAN. January 15, 1878. Crime, seduction. Sentence, penitentiary for the term of eighteen months. Convicted at the October term, 1875, of the Poweshiek county district-court. Pardon was recommended by many good men of Poweshiek county, on the grounds of his good character prior to this charge, and newly discovered evidence, which is somewhat mitigating. There was considerable opposition to his pardon, but recently it has mainly been withdrawn. The young man, I think, has been punished sufficiently for the crime committed.

COMMUTATIONS.

JOHN McLAUGHLIN. January 30, 1877. Sentenced on the 9th day of January, 1875, for the term of three years for the crime of assault with intent to commit rape. The sentence is commuted to six months in the county jail of Johnson county, at such labor, if any, as the sheriff may find him able to perform, and such as he can be required to perform, consistently with his safe keeping. This commutation is wanted because of his age (he is quite an old man) and because a full pardon is asked by Judge Rothrock, before whom he was tried, by twelve of the grand jurors who found the indictment on which he was tried; by eight of the petit jurors who convicted him; by the county officers; and by many citizens.

PATRICK WHITTLE. February 13. Crime, manslaughter. Convicted at the September term, 1876, of the district court of the county of Clayton. Sentenced to imprisonment in the additional penitentiary for the term of five years. The sentence of the district court is commuted from five to four years. Such commuted period of one year to commence from the filing of a certain bond with good and sufficient surety, conditioned, that, at the expiration of one year, the said Whittle shall report himself to the warden of said penitentiary unless prevented by death, for the infliction of the remainder of the punishment ordered by the court, without any expense to the state or Clayton county. The reason for commuting the sentence is, that the petitioners represent that the said Patrick Whittle is in the last stage of con-

sumption, and growing worse, and in the opinion of the physicians cannot live more than a few months at most.

[It is proper to say that up to the time of submitting this message the required bond has not been filed.]

MATHEW R. FARRIS. February 27. Crime, forgery. Sentenced to the penitentiary for three years. Convicted at the October term, 1871 of the district court of Buchanan county. Commuted February 27, 1877, to six months, on petition of George W. Pooler, I. A. Stoddard, D. J. Carpenter, and other residents and citizens of the county, and ten of the jurors, concurred in by Judges C. C. Cole and W. E. Miller (late of the supreme court). Judges Cole and Miller say: "Under the rules of practice in the supreme court, we could not disturb the judgment or reverse the verdict of the jury, but we were of the opinion that the evidence was so manifestly insufficient to sustain the verdict that it ought to be set aside. The case was in our court for some time, and was then affirmed. We do not believe that Mr. Farris ought to have been sent to the penitentiary, or that he ought now to be kept there upon the evidence as it was presented to us." The district-attorney says: "I think Farris guilty, but after six months or a year it would be well to let him out." It is represented by the petitioners that Farris always bore a good character previous to this alleged crime; that he was an industrious man; and that he has a wife and child dependent upon him for support. In the light of circumstances which have transpired since his trial I think there is a doubt as to his guilt.

JOHN MURRY. February 28, 1877. Crime, larceny. Convicted at the February term of the district court of Scott county. Sentence, penitentiary for nine months. Commuted February 28, 1877, to imprisonment in the county jail of Scott county for nine months on recommendation of the district judge, district-attorney, the chief of police of the city of Davenport, the clerk of the district court, sheriff of Scott county, the prosecuting witness, and Hon. John W. Green. They represent that John Murry is only seventeen years old; that he has been led into the commission of the offense by bad associations; that his family connections ought to lead him to a reformation, that will not probably ensue if he is incarcerated in the penitentiary. I have no doubt a change in the sentence will have a salutary influence, and that the ends of justice will be fully satisfied.

WILLIAM MCINTYRE. August 8. Crime, assault with intent to commit rape. Sentence, penitentiary for two years, and to pay the costs of prosecution, taxed at three hundred and thirty dollars and

ninety-three cents. Convicted at the November term, 1876, of the district court of Cedar county. Committed to the additional penitentiary, December 11, 1876. Sentence commuted to one year. Numerous petitions were presented requesting the pardon of McIntyre. Among the petitioners were Hon. John Shane, district judge, who tried the case, all the officers of the court, the prosecuting witness, the jurors on the trial, and about two hundred and fifty citizens of Cedar county. After an examination of the evidence, I am satisfied of McIntyre's guilt, but I find many circumstances connected with the case that are mitigating, and that up to the time of this charge, he had uniformly borne a good character. I have no doubt that the ends of justice, under all the circumstances, will be fully satisfied by commuting one year of his sentence.

MARTIN CADE. December 20. Crime, aiding and assisting prisoners to escape. Convicted at the March term of the Jefferson county district court. Sentence, three years in the penitentiary at Ft. Madison. Committed March 13, 1877. A petition requesting pardon was signed by about four hundred and fifty of the citizens of Jefferson county, including the entire bar at Fairfield, with one exception. I have also received letters from several of the prominent men of Fairfield in relation to the former good character of Cade. I am satisfied that he was guilty of a crime and ought to be punished, and therefore I could not grant him a pardon, but think his sentence somewhat severe, and have accordingly commuted it to one year.

DIMINUTION OF TERM AT THE ADDITIONAL PENITENTIARY.

In my biennial message I have adverted to the fact that the opinion at one time prevailed that the law of the code, allowing convicts a given number of days per month for good conduct, was applicable to the additional penitentiary; and accounts were kept of days earned, and prisoners were discharged at the close of their respective terms as diminished by such earned time. Being satisfied that this practice was unwarranted by law, I notified the warden, directing its discontinuance. I informed him, however, that I would grant commutation to those who had been led to suppose they had earned the same, for all time prior to May 5th, the date of my notification above referred to. In accordance with this determination, I issued pardons to forty-two prisoners, confined at the additional penitentiary, as follows :

JAMES DAUGHERTY. July 9. Committed from Delaware county, November 2, 1876, for the term of nine months. Pardoned twenty-four days before the expiration of term.

HENRY MITCHELL. July 9. Committed from Benton county, October 14, 1876, for the crime of larceny, for the term of nine months. Pardoned five days before expiration of term.

ANTONE MYERS. July 11. Committed from Dubuque county, December 8, 1876, for the crime of larceny, for the term of eight months. Pardoned twenty-six days before the expiration of term.

DANIEL MCCARL. July 23. Committed from Scott county, May 13, 1875, for the crime of conspiracy, for the term of two and one-half years. Pardoned one hundred and fourteen days before the expiration of term.

GEORGE FARRELL. July 23. Committed from Scott county, May 13, 1875, for the crime of larceny, for the term of two and one-half years. Pardoned one hundred and fourteen days before the expiration of the term.

CHARLES ROGERS. July 27. Committed from Jones county, December 23, 1876, for the crime of larceny, for eight months. Pardoned twenty-six days before the expiration of term.

HENRY WRIGHT. August 22. Committed from Cerro Gordo county, February 27, 1877, for the term of six months for the crime of larceny, Pardoned three days before the expiration of term.

EDWIN BARLOW. August 24. Committed from Dubuque county

December 8, 1876, for the term of nine months, for the crime of larceny. Pardoned fifteen days before the expiration of term.

CHARLES PERRY. August 27. Committed from Buchanan county, March 30, 1877, for the term of five months, for the crime of larceny. Pardoned one day before the expiration of term.

HARRY JENNINGS. September 11. Committed from Tama county, September 26, 1876, for the term of one year, for the crime of burglary. Pardoned nineteen days before the expiration of term.

JOHN WHALEY. September 13. Committed from Tama county, September 28, 1874, for the term of three years, for the crime of larceny. Released twelve days before the expiration of term.

E. F. LETSON. September 13. Committed from Tama county, October 2, 1875, for the term of two years, for the crime of forgery. Pardoned sixteen days before the expiration of term.

JAMES STROHL. September 13. Committed from Buchanan county October 7, 1876, for the term of one year, for the crime of larceny. Pardoned twenty-one days before the expiration of term.

MARTIN HALEY. September 15. Committed from Clinton county March 19, 1877, for the term of six months, for the crime of robbery. Pardoned one day before the expiration of term.

WILLIAM McLAUGHLIN. September 15. Committed from Clinton county March 19, 1877, for the term of six months, for the crime of robbery. Pardoned two days before the expiration of term.

HORATIUS POND. September 15. Committed from Buchanan county October 7, 1876, for the term of one year, for the crime of larceny. Pardoned nineteen days before the expiration of term.

LOYD PORTER. September 22. Committed from Scott county October 16, 1876, for the term of one year, for the crime of breaking and entering. Pardoned twenty days before the expiration of term.

WILLIAM WEBB. September 25. Committed from Scott county October 16, 1876, for the term of one year, for the crime of breaking and entering. Pardoned nineteen days before expiration of term.

ARTHUR S. BROWNELL. October 2. Committed from Scott county October 23, 1876, for the term of one year, for the crime of forgery. Pardoned eighteen days before expiration of term.

LUCINS CORNELL. October 2. Committed from Black Hawk county October 23, 1876, for the term of one year, for the crime of assisting prisoners to escape. Pardoned eighteen days before the expiration of term.

WILLIAM BURKE. October 4. Committed from Black Hawk county,

October 23, 1876, for the term of one year, for the crime of assisting a prisoner to escape. Pardoned sixteen days before the expiration of term.

GEORGE NELSON. October 4. Committed from Black Hawk county, October 23, 1876, for the term of one year, for the crime of assisting a prisoner to escape. Pardoned sixteen days before the expiration of term.

JOSEPH SHEARER. October 10. Committed from Johnson county, January 22, 1875, for the term of three years, for the crime of grand larceny. Pardoned one hundred and two days before the expiration of term.

JOHN H. SHELBY. October 10. Committed from Johnson county, January 22, 1875, for the term of three years, for the crime of grand larceny. Pardoned one hundred and two days before the expiration of term.

THOMAS MCNAMEE. October 10. Committed from Johnson county, January 22, 1875, for the term of three years, for the crime of grand larceny. Pardoned one hundred and two days before the expiration of term.

JESSE WOOD. October 15. Committed from Black Hawk county, April 18, 1877, for the term of six months, for the crime of larceny. Pardoned one day before the expiration of term.

GEORGE WILLIAMS. November 3. Committed from Clinton county, November 21, 1876, for the term of one year, for the crime of larceny. Pardoned eighteen days before the expiration of term.

LOUISA MILLER. November 5. Committed from Clinton county, November 23, 1876, for the term of one year, for the crime of larceny. Pardoned fifteen days before the expiration of term.

JOSEPH HOYNE. November 7. Committed from Dubuque county, November 25, 1876, for the term of one year, for the crime of larceny. Pardoned fifteen days before the expiration of term.

CHARLES MUELLER. November 7. Committed from Dubuque county, November 26, 1876, for the term of one year, for the crime of larceny. Pardoned fifteen days before the expiration of term.

ROBERT PALM. November 15. Committed from Johnson county, January 13, 1876, for the term of two years, for the crime of larceny. Pardoned fifty-seven days before the expiration of term.

L. BENCKER. November 15. Committed from Allamakee county, December 1, 1876, for the term of one year, for the crime of assault with intent to kill. Pardoned fourteen days before the expiration of term.

GEORGE HEURST. November 22. Committed from Cedar county, December 11, 1876, for the term of one year, for the crime of larceny. Pardoned thirteen days before the expiration of term.

W. D. ROBERTSON. December 13. Committed from Delaware county, March 5, 1877, for the term of nine months, for the crime of larceny. Pardoned three days before the expiration of term.

J. E. PARKHURST. December 24. Committed from Cerro Gordo county, February 22, 1876, for the term of two years, for the crime of obtaining money under false pretenses. Pardoned fifty-two days before the expiration of term.

PATRICK FLYNN. December 26. Committed from Scott county, October 16, 1876, for the term of fifteen months, for the crime of larceny. Pardoned nineteen days before the expiration of term.

JOHN GREEN. December 26. Committed from Buchanan county, March 30, 1877, for the term of nine months, for the crime of larceny. Pardoned one day before the expiration of term.

SAMUEL H. BERRY. December 26. Committed from Buchanan county, March 30, 1877, for the term of nine months, for the crime of forgery. Pardoned one day before the expiration of term.

FREDERICK GREGORY. January 3, 1878. Committed from Black Hawk county, October 23, 1876, for the term of fifteen months, for the crime of larceny. Pardoned nineteen days before the expiration of term.

ORVILLE MERRILL. January 8, 1878. Committed from Linn county, November 13, 1874, for the term of two years, for the crime of grand larceny. He at one time escaped from prison, but subsequently returned voluntarily. Pardoned thirty days before the expiration of term.

For the reasons set forth above, I commuted the sentences of the following named prisoners, to take effect the number of days prior to the expiration of their terms, set opposite their names, respectively :—

CHESTER MANN, one day.

A. B. JONES, six days.

JOHN LANG, eighteen days.

E. H. MEYERS, eighteen days.

THOMAS SIMPSON, eighteen days.

ROBERT IRVING, eighteen days.

A. J. NICHOLS, eighteen days.

CHARLES MILLER, eighteen days.

GEORGE McCANN, eighteen days.

L. S. BENNETT, eighteen days.

WALLACE MAYHEW, forty-two days.

EDWARD SCOTT, forty-two days.

For the same reasons as set forth above, I pardoned six more prisoners, whose names are given below. They had been originally committed to the penitentiary at Ft. Madison, and thence transferred to that at Anamosa. In these cases, however, I allowed full diminution, the same as if the prisoners had remained at Ft. Madison:—

JAMES O'DONNELL. July 9. Committed to the penitentiary of the state, from Scott county, February 24, 1876, for the crime of larceny, for the term of one and a half years, and thence transferred to the additional penitentiary, July 25, 1876. Pardoned forty-six days before the expiration of term.

JOHN NELSON. July 9. Committed to the penitentiary of the state, from Des Moines county, January 28, 1873, for five years, for the crime of breaking and entering, and was thence transferred to the additional penitentiary, May 13, 1873. Pardoned five months and twenty days before the expiration of term.

GEORGE CAMPBELL. July 30. Committed from Louisa county, October 29, 1875, for the crime of larceny, for the term of two years, and transferred to the additional penitentiary, July 25, 1876. Pardoned ninety days before the expiration of term.

JOHN BATES. August 9. Committed from Dallas county, November 2, 1875, for the term of two years, for the crime of larceny, and transferred to the additional penitentiary. Pardoned eighty-four days before the expiration of term.

E. W. FORD. September 11. Committed from Marshall county, May 6, 1873, for the term of five years, for the crime of robbery, and transferred to the additional penitentiary. Pardoned two hundred and thirty-four days before the expiration of term.

JOHN SMITH. December 13. Committed from Davis county, October 5, 1875, for the term of two and one-half years, for the crime of larceny, and transferred to the additional penitentiary. Pardoned one hundred and eleven days before the expiration of term.

REMISSIONS OF FINES AND FORFEITURES.

FINES.

February 8, 1876. Hubert Wynhoff. Bremer county, 1876. Penalty \$50 and costs; amount remitted, \$40, upon payment of costs and remainder of fine.

February 14, 1876. Nicholas Bider. Cedar county, 1874. Penalty, \$150 and costs; all remitted.

April 20, 1876. James Gardner. Mills county, 1874. Penalty, \$50 and costs; all remitted.

April 29, 1876. Charles Grubb. Hardin county, 1873. Penalty, \$100 and costs; amount remitted, \$100.

April 29, 1876. Squire Finley. Hardin county, 1873. Penalty, \$100 and costs; amount remitted, \$50.

June 2, 1876. Mary J. Bowman. Polk county, 1876. Penalty, \$200 and costs; all remitted.

July 3, 1876. Henry Mitchell. Polk county, 1876. Penalty, \$30 and costs; all remitted.

July 3, 1876. A. J. & Eliza Alderman. Black Hawk county. Penalty, \$500, each, and costs; amount remitted, \$250 of each fine.

August 24, 1876. A. R. Houghton. Pottawattamie county. Penalty, \$30 and costs; all remitted.

November 23, 1876. R. T. Harbison. Warren county, 1876. Penalty, \$400 and costs; amount remitted, \$300.

December 29, 1876. James Cameron. Guthrie county, 1876. Penalty, \$200 and costs; amount remitted, \$150, upon condition of the payment of the remainder of fine and costs.

December 29, 1876. James Cameron. Guthrie county, 1876. Penalty, \$100 and costs; all remitted upon payment of costs.

April 18, 1877. Asa Redmond. Polk county, 1872. Penalty, \$200 and costs; amount remitted, \$140.55, upon payment of costs and \$59.55 of fine.

April 21, 1877. John Saunders. Bremer county, 1872. Penalty, \$150 and costs; all remitted.

July, 17, 1877. S. B. Campbell. Dallas county, 1876. Penalty, \$300 and costs; amount remitted, \$125.

November 13, 1877. Robert Shields. Bremer county, 1871. Penalty, \$50 and costs; all remitted.

November 13, 1877. Robert Shields. Bremer county, 1871. Penalty, \$10 and costs; all remitted.

November 27, 1877. Matthew McCahill. Warren county, 1876. Penalty, \$25 and costs; all remitted, upon condition of payment of costs.

January 14, 1878. C. G. Adams. Poweshiek county, 1870. Penalty, \$40 and costs; all remitted.

January 14, 1878. C. G. Adams. Poweshiek county, 1870. Penalty, \$50 and costs; all remitted.

[FORFEITURES.

March 14, 1876. James Day. Wayne county, 1875. Forfeiture, \$400 and costs; amount remitted, \$200.

October 5, 1876. Josiah A. Harvey and William Kelsey. Forfeiture, \$300 and costs; all remitted upon payment of costs.

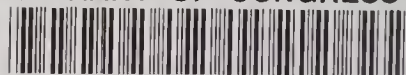
July 31, 1877. C. W. Harcourt. Jasper county. Forfeiture, \$800 and costs; amount remitted, \$370.

REVOCATION OF CONDITIONAL PARDON.

Upon satisfactory evidence that Richard D. Arthur, conditionally pardoned by my predecessor, had grossly violated the letter of at least one of the conditions of his pardon, and was constantly violating the spirit of all of them, I, upon the twenty-sixth day of March last, in accordance with the stipulations of the conditional pardon, revoked the same, and directed the sheriff of Winneshiek county, where Arthur was then to be found, forthwith to arrest him and take him to the penitentiary, which was accordingly done. I did not take this step without consideration and an inquiry into the practice in this state. I could find only one instance where violation of the conditions of a pardon had been established. In that case, Gov. Merrill revoked the pardon and ordered the prisoner to the penitentiary. A writ of habeas corpus was sued out, and the cause argued with the effect to remand the prisoner. (I have since learned this case was elaborately argued, and the whole question of the governor's authority examined, before the conclusion I have mentioned was arrived at.) Soon after Arthur reached the penitentiary, he was brought before the judge of the first judicial district on a writ of habeas corpus; and after argument was released. Believing this was an erroneous determination, I requested the attorney-general, whose views coincided with my own, to take an appeal to the supreme court. This was accordingly done, and the case submitted at the December term. If the decision of the court below should be sustained, conditions attached to pardons will be practically worthless, unless additional legislation be had to provide for enforcing them. My observation satisfies me that in many cases where pardon is urged, the reasons assigned are of such a character that a pardon upon conditions that will test the thoroughness of the reformation a prisoner has undergone is the most desirable thing to be done, both for the prisoner and for society.

J. G. NEWBOLD.

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